

IFW

1655

AMENDMENT TRANSMITTALPATENT

Application No.: 10/511,0156  
Filing Date: May 31, 2005  
First Named Inventor Dong-Hyun Kim  
Examiner's Name: Amy Lynn Clark  
Art Unit: 1655  
Attorney Docket No.: 007260.P001

An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.

Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.

Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.

Applicant(s) claim small entity status (37 CFR 1.27).

**ATTACHMENTS**

- Preliminary Amendment  
 Amendment/Response with respect to Office Action  
 Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)  
 Notice of Appeal  
 RCE (Request for Continued Examination)  
 Supplemental Declaration  
 Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)  
 Information Disclosure Statement (IDS)  
 Copies of IDS citations  
 Petition for Extension of Time  
 Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)  
 Cross-Reference to Related Application(s)  
 Certified Copy of Priority Document  
 Other Response to Election/Restriction Requirement ( 5 pages).  
 Other:  
 Check(s)  
 Postcard (Return Receipt)

**SUBMITTED BY:**

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TYPED OR PRINTED NAME: Stephen M. De Klerk

SIGNATURE:

REG. NO.: 46,503

DATE: October 13, 2006

ADDRESS: 12400 Wilshire Boulevard, Seventh Floor

Los Angeles, California 90025

TELEPHONE NO.: (408) 720-8300

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia, 22313-1450 on:

October 13, 2006

Date of Deposit

Ariana C. Bates

Name of Person Mailing Correspondence

Signature

Date

Express Mail Label No. (if applicable): N/A

Send to:

COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, Virginia, 22313-1450

(10/14/03)



## FEE TRANSMITTAL FOR FY 2005

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**TOTAL AMOUNT OF PAYMENT (\$)** 0

**Complete if Known:**

Application No. 10/511,016  
 Filing Date May 31, 2005  
 First Named Inventor Dong-Hyun Kim  
 Examiner Name Amy Lynn Clark  
 Art Unit 1655  
 Attorney Docket No. 007260.P001

Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify)

Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: \_\_\_\_\_

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

Charge fee(s) indicated below.

Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

Charge fee(s) indicated below except for the filing fee

Credit any overpayments.

Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

**Warning:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fees Paid (\$)</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1011	300	2011	150	Utility application filing fee	
1111	500	2111	250	Utility search fee	
1311	200	2311	100	Utility examination fee	{ 1,000/500 }
1012	200	2012	100	Design application filing fee	
1112	100	2112	50	Design search fee	
1312	130	2312	65	Design examination fee	{ 430/215 }
1013	200	2013	100	Plant filing fee	
1113	300	2113	150	Plant search fee	
1313	160	2313	80	Plant examination fee	{ 660/330 }
1004	300	2004	150	Reissue filing fee	
1114	500	2114	250	Reissue search fee	
1314	600	2314	300	Reissue examination fee	{ 1,400/700 }
1005	200	2005	100	Provisional application filing fee	

SUBTOTAL (1) \$ 0

**2. EXCESS CLAIM FEES**

<u>Extra Claims</u>				<u>Fee from below</u>	<u>Fees Paid (\$)</u>
Total Claims	5	- 20 or HP =	0	X \$25.00	= 0
HP = highest number of total claims paid for, if greater than 20					
Independent Claims	1	- 3 or HP =	0	X \$100.00	= 0
HP = highest number of independent claims paid for, if greater than 3					
Multiple Dependent Claims					= 0
<b>Large Entity</b>	<b>Small Entity</b>				
Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description</u>	
1202	50	2202	25	Each claim over 20	
1201	200	2201	100	Each independent claim over 3	
1203	360	2203	180	Multiple dependent claims, if not paid	
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent	
1205	50	2205	25	Reissue: each independent claim more than in the original patent	
<b>SUBTOTAL (2) \$ 0</b>					

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
N/A	- 100 = _____ / 50 = _____ (round up to whole number)	X \$125.00	0	_____

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description:</u>
Fee Code	Fee (\$)	Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):
1081	250	2081 125 Utility
1082	250	2082 125 Design
1083	250	2083 125 Plant
1084	250	2084 125 Reissue

**SUBTOTAL (3) \$ 0**

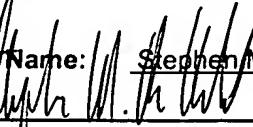
**FEE CALCULATION (continued)****4. OTHER FEE(S)**

				<u>Fees Paid (\$)</u>
<u>Large Entity</u>		<u>Small Entity</u>		
Fee	Fee	Fee	Fee	<u>Fee Description</u>
Code	(\$)	Code	(\$)	
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1813	8,800	1813	8,800	Request for inter parties reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	120	2251	60	Extension for reply within first month
1252	450	2252	225	Extension for reply within second month
1253	1,020	2253	510	Extension for reply within third month
1254	1,590	2254	795	Extension for reply within fourth month
1255	2,160	2255	1,080	Extension for reply within fifth month
1401	500	2401	250	Notice of Appeal
1402	500	2402	250	Filing a brief in support of an appeal
1403	1,000	2403	500	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	500	2452	250	Petition to revive – unavoidable
1453	1,500	2453	750	Petition to revive - unintentional
1501	1,400	2501	700	Utility issue fee (or reissue)
1502	800	2502	400	Design issue fee
1503	1100	2503	550	Plant issue fee
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)
1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))
1814	130	2814	65	Statutory Disclaimer
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))
1801	790	2801	395	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.
1505	300	1505	300	Publication fee for republication
1803	130	1803	130	Request for voluntary publication or republication
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority
Other fee (specify)				
Other fee (specify)				
				<b>SUBTOTAL (4) \$ 0</b>

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**

Typed or Printed Name: Stephen M. De Klerk

Signature:  Date: October 13, 2006

Reg. Number: 46,503 Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Attorney's Docket No.: 007260.P001

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: )  
Dong-Hyun Kim, et al. )  
Application No: 10/511,016 ) Examiner: Amy Lynn Clark  
Filed: May 31, 2005 ) Art Unit: 1655  
For: NOVEL USE OF THE EXTRACT OF )  
PROCESSED GINSENG AND )  
SAPONIN ISOLATED THEREFROM )  
\_\_\_\_\_  
)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO ELECTION REQUIREMENT

Dear Sir:

In response to the election requirement set forth in the Office Action dated September 13, 2006, Applicant elects *Bifidobacterium* genus as the elected lactic acid bacteria.

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FIRST CLASS CERTIFICATE OF MAILING

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October 13, 2006

Date of Deposit

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Ariana C. Bates

Name of Person Mailing Correspondence

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Ariana C. Bates  
Signature

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10/13/06  
Date

Dong-Hyun Kim, et al.  
Application No.: 10/511,016

- 1 -

Examiner: Clark, Amy Lynn  
Art Unit: 1655